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SUBJECT: GOVERNMENT SEEKS TO TIGHTEN CONTROL OF MEDIA

¶1. The government-owned weekly "Sunday Mail" reported on August 25 that the government has introduced amendments to the controversial Access to Information and Protection of Privacy Act (AIPPA) that will further tighten government control of the media. According to the news article, the Cabinet Committee on Legislation has already approved amendments to AIPPA. The parliament will have to approve the amendments, but ruling party control of parliament makes that approval a formality.

¶2. Salient points of the amendments include:

- Restricts public access to information by allowing the "head of a public body to refuse to disclose to an applicant information, including personal information about the applicant, if the disclosure will result in a threat to another person's safety or mental or physical health."
- Exempts the Zimbabwe Broadcasting Corporation and ZIANA (the government-owned wire service) from the AIPPA-mandated media registration process.
- Limits the accreditation of foreign journalists in Zimbabwe to 30 days, rather than 12 months as permitted under the original law.
- Defines and expands the crime of "publishing falsehoods," giving courts clearer benchmarks for convictions or dismissals.

¶3. Excerpts of the article follow:

"...In his submissions to the committee, Chinamasa said the purpose of the Bill was to amend the AIPPA with a view to improving it and correcting certain anomalies and errors that have come to the attention of the ministry since the Act was promulgated. The Bill seeks to repeal Section 22 of the Act and substitutes it with a new section that says: The head of a public body may refuse to disclose to an applicant information, including personal information about the applicant, if the disclosure will result in a threat to another person's safety or mental or physical health. Section 35 of the Bill that deals with the penalty for deliberately falsifying personal information reads: 'Any person who, when required under any enactment to supply to a public body any personal information verbally or in writing about himself or herself or a third party, supplies any information which he or she knows to be false or does not have reasonable grounds for believing to be true, shall be guilty of an offense and liable to a fine not exceeding level five or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.'

"...The Bill seeks to exempt from registration 'mass medium founded under an Act of Parliament, a mass media service consisting of the activities of a person holding a license issued in terms of the Broadcasting Services Act to the extent that such activities are permitted by such license or a representative office of a foreign mass media service permitted to operate in Zimbabwe in terms of Section 90.' Section 80 of the Bill reads: 'A journalist who abuses his journalistic privilege by; (a) falsifying or maliciously or fraudulently fabricating information or; (b) publishing or reproducing any statement (i) knowing it to be false or without having reasonable grounds for believing it to be true; and (ii) recklessly, or with malicious or fraudulent intent, representing it as a true statement or; (c) committing or facilitating the commission of a criminal offense; Shall be guilty of an offense and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two

years.'

"In its considerations, the committee said it felt that 12 months was `too long a period for the accreditation of a foreign journalists and advised that the period be reduced to 30 days."

14. Comment: The original AIPPA was enacted early this year after significant parliamentary debate. The Act established a Statutory Media Commission, which requires that all journalists apply for a one-year renewable license. Media organizations (now excepting some state-owned media) must pay substantial registration fees and meet a stringent set of requirements before issuance of a license. However, the license can be revoked at any time if for those who breach a planned code of conduct. Since its enactment, more than a dozen local journalists, including an American citizen, have been arrested and tried for violating AIPPA. Two separate legal challenges to AIPPA have been filed by journalists and will be heard later this year. End comment.

SULLIVAN